

DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 254 – FRIDAY 22 MAY 2015

BROLGA ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

MEMBERS PRESENT: Denis Burke (Chairman), Ross Baynes (not Item 5), Garry Lambert and Bob Elix

APOLOGIES: Grant Tambling

OFFICERS PRESENT: Margaret Macintyre (Secretary), Adelle Godfrey, Joseph Sheridan, Ann-Marie Dooley and Stephanie Breuer (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.15 am and closed at 12.30 pm

THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 PASSENGER TERMINAL (HELIPORT)
PA2015/0228 LOT 6657 (28) FRANCES BAY DRIVE, TOWN OF DARWIN
APPLICANT EARL JAMES AND ASSOCIATES

DAS tabled further information from the applicant: general arrangement plan and sections and elevations of the proposed office.

RESOLVED
123/15

That pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration to develop Lot 6657 (28) Frances Bay Drive, Town of Darwin, for the purpose of a Passenger Terminal (helipad) and ancillary demountable office to require the applicant to provide the following additional information that the Authority considers in order to enable the proper consideration of the application:

- confirmation that the flight approach and departure is over the harbour only;
- confirmation that the model of helicopters used at the site will be small tourist helicopters only,
- confirmation that no refuelling will be undertaken at the site;
- confirmation that the use of the site will be during daylight hours only; and
- formal confirmation in writing from the Civil Aviation Safety Authority of acknowledgement of the proposal and no issues of concern.

REASON FOR THE DECISION

1. The consent authority request confirmation of additional details of the application to ensure that the potential impact on the existing and future amenity of the area in which the land is situated is appropriately considered.

RESOLVED
124/15

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman, or in the Chairman's absence any one of the other members of the Darwin Division the power under section 53 of the Act, to determine the application to develop Lot 6657 (28) Frances Bay Drive, Town of Darwin for the purpose of a Passenger Terminal (Heliport) and ancillary demountable subject to the submission of the deferral requirements:

- confirmation that the flight approach and departure is over the harbour only;
- confirmation that the model of helicopters used at the site will be small tourist helicopters only,
- confirmation that no refuelling will be undertaken at the site;
- confirmation that the use of the site will be during daylight hours only; and
- formal confirmation in writing from the Civil Aviation Safety Authority of acknowledgement of the proposal and no issues of concern.

and further subject to conditions as determined by the delegate.

ACTION: Advice to Applicant

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These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.

ITEM 2
PA2012/0453

APPLICANT

**VARIATION OF DEVELOPMENT PERMIT 24 X 2 BEDROOM MULTIPLE
DWELLINGS IN 3 X 3 STOREY BUILDINGS
LOT 9716 (5) ROTHDALE ROAD, TOWN OF NIGHTCLIFF
YELLOWCITY PTY LTD**

Mr Terry Nixon (Yellowcity Pty Ltd) and Mr Tony Koukouvas (owner) attended.

**RESOLVED
125/15**

That, pursuant to section 57(5) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to vary Condition 5 of Development Permit DP13/0011 for the purpose of changes to the communal open space, landscaping, and loading area for the following reasons:

REASONS FOR THE DECISION

1. Development Permit DP13/0011 approved the development of the land for 12 x 2 bedroom and 8 x 3 bedroom multiple dwellings and ground level commercial tenancies in a 3 storey building. In granting a variation to the requirements of Clause 7.1.1 (Residential Density Limitations) of the Planning Scheme, the consent authority identified special circumstances under Clause 2.5 (Exercise of Discretion by the Consent Authority), with those special circumstances including the provision of a communal open space area which exceeded the requirements of Clause 7.6 (Communal Open Space), and which provided a high level of useability, allowed for different activities through the combination of open, landscaped, and paved barbeque areas with a pool. The provision of the communal open space area, in part, justified the granting of consent noting the additional density. Condition 5 of DP13/0011 requires that works carried out under the permit shall be in accordance with the plans endorsed as forming part of the permit. The communal open space area was not constructed in accordance with the plans considered and endorsed by the consent authority, with retrospective changes then sought under Section 57(3) of the Planning Act. The retrospective changes to the approved development include a reduction in the overall size of the communal open space area by 157m², the replacement of landscaping with additional concrete pavement, changes to the landscaping species proposed, the deletion of the pool, and the use of synthetic turf within the communal open space area.

Pursuant to section 57(3) of the *Planning Act*, the consent authority may, in writing, vary a condition of a development permit if, the proposed variation will not alter a measurable aspect of the development by a margin greater than 5% and, in the opinion of the consent authority, will not materially affect the amenity of adjoining or nearby land or premises, or in the opinion of the consent authority, the alteration resulting from the proposed variation is not conveniently measurable and the proposed variation will not materially affect the amenity of adjoining or nearby land or premises. Clause 7.6 (Communal Open Space) requires that the design of communal open space should consider the overall dwelling density for the site, the type of activities provided for, the projected needs of children for outdoor play, and the provision of landscaping and shade. The consent authority was of the opinion that the proposed changes to

the development undermined the reasons of the previous determination granted. DP13/0011 granted an additional residential density at the site as the development exceeded the communal open space area required by Clause 7.6 (Communal Open Space) by 195m², among other factors. The consent authority was of the opinion that the changes to the communal open space are a significant departure from the approved development and would not provide an adequate level of amenity to provide for the recreational needs of the future residents, noting the additional density granted at the site. Insufficient information was provided by the applicant to demonstrate that a quality and useable communal open space area would be achieved.

ACTION: Notice of Refusal of Variation

ITEM 3 **INDEPENDENT UNIT WITH A FLOOR AREA EXCEEDING 50M²**
PA2015/0222 **LOT 5057 (53) LONGWOOD AVENUE, TOWN OF SANDERSON**
APPLICANT **NT PLASTERERS & BUILDERS**

Mrs Maria Kalitis and Mr Nikolas Kalitsis attended on behalf of the applicant.

RESOLVED
126/15

That pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration to develop Lot 5057 (53) Longwood Avenue, Town of Sanderson, for the purpose of a an independent unit with a floor area in excess of 50m², to require the applicant to provide the following additional information that the Authority considers in order to enable the proper consideration of the application:

- Amended plans to achieve the required 3m separation between the single dwelling and independent unit as required by Clause 7.3 (Building Setbacks of Residential Buildings), whilst not causing any new non-compliances with the other requirements of the NT Planning Scheme.

REASON FOR THE DECISION

1. The consent authority request amended plans to achieve compliance with the requirements of Clause 7.3 (Buildings Setbacks of Residential Buildings) to ensure that an appropriate level of residential amenity is achieved and to meet the objectives of Clause 7.10.4 (Independent Units).

RESOLVED
127/15

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman, or in the Chairman's absence any one of the other members of the Darwin Division the power under section 53 of the Act, to determine the application to develop lot 5057 (53) Longwood Avenue, Town of Sanderson for the purpose of a independent unit with a floor area exceeding 50m² subject to the submission of the deferral requirements:

- Amended plans to achieve the required 3m separation between the single dwelling and independent unit as required by Clause 7.3 (Building Setbacks of

Residential Buildings), whilst not causing any new non-compliances with the other requirements of the NT Planning Scheme.

and further subject to conditions as determined by the delegate.

ACTION: Advice to Applicant

**ITEM 4
PA2015/0241
APPLICANT**

**ALTERATIONS AND ADDITIONS TO AN EXISTING HOTEL AND RESTAURANT
LOT 2168 (15) PARAP ROAD, TOWN OF DARWIN
YELLOWCITY PTY LTD**

Mr Terry Nixon (Yellowcity Pty Ltd) attended.

Submitters Mr John & Mrs Elaine Edwards attended.

**RESOLVED
128/15**

That, the Development Consent Authority grant a reduction to the parking requirements of clause 6.5.1 (Parking Requirements) under clause 6.5.2 (Reduction in Parking Requirements), and vary the requirements of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 2168 (15) Parap Road, Town of Darwin for the purpose of alterations and additions to an existing hotel and restaurant subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, a noise management plan is required to be provided demonstrating management techniques relating to the outdoor smokers area adjacent Parap Road, to be used during the operation of the hotel to reduce the potential impact of noise on neighbouring residential properties, to the satisfaction of the consent authority.
2. Prior to the endorsement of plans and prior to commencement of works approved by this permit, amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - a) the dimensions of bays numbered 14, 16, 21, 23 and 92 to be a minimum of 2.3m x 5.2m to ensure compliance with the minimum requirements of clause 6.5.3;
 - b) the provision landscaping between bay no. 95 and Parap road to lessen the impact of the car park on the streetscape in accordance with the requirements of clause 6.5.3; and
 - c) revised elevations of the proposed development to correspond to the revised site plan submitted as part of the application.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan

demonstrating all stormwater can be collected on the site and discharged to Council's stormwater drainage system, to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

4. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Any easements required for the reticulation of water supply, sewerage and facilities, electricity shall be provided in accordance with the relevant authority's requirements and applicable legislation at the time, at no cost to those authorities.
7. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
8. All new pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
9. No polluted and/ or sediment laden run-off is to be discharged directly or indirectly onto adjacent land, roadways and stormwater drainage systems.
10. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) drained;
 - (c) line marked to indicate each car space and all access lanes; and
 - (d) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
11. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their customers.
12. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) protect street trees;
 - (c) provide footpaths and verge plantings;
 - (d) collect stormwater and discharge it to the drainage network; and
 - (e) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin to the satisfaction of the consent authority.

13. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building.
14. All new external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the consent authority.
15. All new air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
16. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Emergency Services.
17. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.
18. Before the use/ occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
19. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
20. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.
2. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to the City of Darwin.

3. The consent authority notes separate approval may be required from the NT Licensing Commission for any proposed changes to licencing and gaming as a result of the additions.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into account any planning scheme that applies to the land to which the application relates. The development is consistent with the primary purpose of zone C (Commercial), being “to provide for a range of business and community uses”. The hotel and restaurant are existing developments; the proposed works include an internal refurbishment of the hotel (reconfiguration of the dining area and gaming lounge), an extension to the existing bottle shop and the addition of a mezzanine floor over the bottle shop for the purpose of office space and storage.

A reduction under clause 6.5.2 (Reduction in Parking Requirements) is supported given:

- the availability of on street parking on Parap Road, there are more than 20 car parking spaces are available along Parap road; these spaces are mainly utilised by adjacent businesses during business hours (8am – 5pm weekdays), in contrast to the busier periods for the hotel (afternoons; and evenings);
- the use will be accessed by persons living in the locality considering the number of higher density residential developments in the immediate area; and
- the availability of a taxi service rank located on the opposite side of Parap road approx. 150m north of the hotel.

2. A variation to clause 6.5.3 (Parking Layout) is supported as the existing landscaping is well established and no changes are proposed to the landscaping or car parking layout along the western and southern boundaries. The landscaping and associated car parking layout along the western and southern boundaries are also consistent with previous plans endorsed by the consent authority under DP10/0489.
3. Amended plans are required to lessen the impact of the car park on the streetscape; to demonstrate compliance with the minimum dimensions of parallel car parking spaces outlined in clause 6.5.3 (Parking Layout), and to ensure all drawings correspond to the revised proposal submitted as part of the application.
4. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.
5. Relevant service authorities have provided information regarding the requirement for various infrastructure upgrades and service connections

to support the development. The inclusion of conditions on the permit will in the opinion of the authority adequately ensure the relevant requirements are suitably met.

6. Pursuant to Section 51(e) of the Planning Act the consent authority must take into consideration any submissions made under section 49 in relation to the development application. One public submission was received during the exhibition period under Section 49 of the Planning Act with respect to the proposal. The submission outlines concerns in relation to noise, loitering, litter and anti-social behaviour associated with the hotel, the proposed size of the display area within the bottle shop, and the smoking area located on Parap Road which was proposed to remain. The consent authority notes the proposal is for minor additions to an existing hotel only, and requires a noise management plan to be submitted to demonstrate how noise emissions from the outdoor smokers area adjacent Parap Road will be managed.

ACTION: Notice of Determination

**ITEM 5
PA2015/0232**

CHANGES TO THE DEVELOPMENT APPROVED BY DP15/0073 FOR ADDITION OF ONE LEVEL AND CHANGE OF USE OF A TENANCY FROM SHOP TO LEISURE AND RECREATION

APPLICANT

**LOT 9576 (247) TROWER ROAD, TOWN OF NIGHTCLIFF
JUNE D'ROZARIO & ASSOCIATES PTY LTD**

Pursuant to section 97(1) of the *Planning Act*, Mr Ross Baynes a member of the Darwin Division of the Development Consent Authority declared a conflict of interest and was not present during and did not take part in any deliberation or decision of the division in relation to Item 5.

Ms June D'Rozario (June D'Rozario & Associates Pty Ltd) attended.

**RESOLVED
129/15**

That, the Development Consent Authority determine to reduce the car parking requirements pursuant to Clause 6.5.2 (Reduction in Parking Requirements) and vary the requirements of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme, and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 9576 (247) Trower Road, Town of Nightcliff for the purpose of changes to the development approved by DP15/073 for the addition of one level and change of use of a tenancy from shop to leisure and recreation, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, a traffic impact assessment must be provided to the requirements of the Department of Transport and the City of Darwin, to the satisfaction of the consent authority. The traffic impact assessment must be prepared in accordance with the Austroads *Guide to Traffic Management Part 12: Traffic Impacts of Development* to analyse the relevant intersections and assess the operation traffic impact of the proposed development and proposed changes to the main entry, the disconnection between Trower Road multi-deck parking

and other parking areas of the overall development, plus pedestrian, cyclist and public transport issues and opportunities.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. improved pedestrian connections including pathways and crossings where reconfigurations are proposed to the existing ground level car park to ensure safe pedestrian access can be achieved between car parking spaces and building entrances, and from the surrounding street network; and
 - b. any changes required to the access arrangements to Trower Road on the plans as a result of the traffic impact assessment required by Condition Precedent 1 on the advice of the Department of Transport and City of Darwin.
3. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a waste management plan to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. Before the use/occupation of the development starts, all works identified within the Traffic Impact Assessment and any other works as required by the Department of Transport and City of Darwin are to be undertaken to the requirements of, and at no cost to, the Department of Transport or the City of Darwin as the case may be, to the satisfaction of the consent authority.
7. Before the use/occupation of the development starts, written confirmation from a qualified traffic engineer that the car parking spaces and access lanes associated with the development comply with the relevant Australian Standard for car parking must be provided in instances where car parking does not comply with the minimum requirements of Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, to the satisfaction of the consent authority.

8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
10. The proposed changes to Trower/Vanderlin Roads shall be designed and certified on completion in accordance with the standards and specifications of the Department of Transport.
11. Trucks entering and exiting the site are required to prevent the dropping or tracking of materials onto the streets and sweep and clean material off the road as necessary to the requirements of the Department of Transport.
12. The finish of any signage should not cause reflection to motorists and should be entirely located within the subject land (unless consent is granted otherwise) and lighting should prevent nuisance to motorists to the requirements of the Department of Transport to the satisfaction of the consent authority.
13. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Department of Transport and the City of Darwin as required, to the satisfaction of the consent authority.
14. The owner shall:
 - a) remove disused vehicle and/ or pedestrian crossovers;
 - b) provide footpaths/ cycleways;
 - c) collect stormwater and discharge it to the drainage network; and
 - d) undertake reinstatement works;all to the technical requirements of and at no cost to the Department of Transport and the City of Darwin as required, to the satisfaction of the consent authority.
15. Before the use/occupation of the development starts, the areas set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a. constructed;
 - b. properly formed to such levels that they can be used in accordance with the plans;
 - c. surfaced with an all-weather-seal coat;
 - d. drained;
 - e. line marked to indicate each car space and all access lanes; and
 - f. clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
16. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Department of Transport and the City of Darwin as required, to the satisfaction of the consent authority.

17. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
18. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
19. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view to the satisfaction of the consent authority.
20. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
21. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. This development permit does not grant building approval. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. A permit to work within a road reserve is required from the Department of Transport and/or City of Darwin before commencement of any work within the road reserve.
4. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The development is consistent with the purpose of Zone C (Commercial) which is to provide for a range of business and community uses.

2. A reduction in car parking pursuant to Clause 6.5.2 (Reduction in Parking Requirements) is considered appropriate in recognition of the existing shopping centre and proposed use and development of the land, given:
 - a. the leisure and recreation tenancy is provided with the same parking rate as that of the existing overall development which has been demonstrated to be sufficient to meet car parking demand for all but a few occasions per year and that further additional parking would be underutilised for much of the time;
 - b. that large shopping centres of this type result in greater efficiencies of parking; and
 - c. the tenancy is expected to both service existing shopping centre customers as part of multi-purpose trips during regular opening hours, plus attract visitors from the early evening onwards at times when the peak patronage is lower.
3. A variation to the requirements of Clause 6.5.3 (Parking Layout) is considered acceptable as the proposal is expected to achieve a car parking area which is appropriately designed, constructed and maintained for its intended purpose on the basis that the parking space and access lanes dimensions are being designed in accordance with the relevant Australian Standard.
4. The requirement for amended plans will ensure the needs of pedestrian and cyclists are appropriately addressed and integrated into the design.
5. That any changes required in relation to the surrounding road network be identified and works undertaken to the requirements of the Department of Transport and the City of Darwin to ensure the development can be safely accessed and accommodated.
6. The City of Darwin advised that it is the sole authority responsible under the Local Government Act and associated by-laws for stormwater drainage and waste collection and as such has requested details of the collection of stormwater and waste for this proposal.

ACTION: Notice of Consent and Development Permit

ITEM 6 **SUBDIVISION TO CREATE 3 LOTS**
PA2015/0112 **LOTS 5182 (213) DICK WARD DRIVE, TOWN OF DARWIN & LOT 8630 (95)**
APPLICANT **DICK WARD DRIVE, TOWN OF NIGHTCLIFF**
 PLANIT CONSULTING PTY LTD

Ms Julie Giguere (Planit Consulting Pty Ltd) attended.

Submitters:-Mr David Percival, Ms Vanessa Kaye, Ms Donna Jackson (Larrakia Nation), Mr Graham Kirby, Mr William Day, Ms Margaret Clinch (PLan: The Planning Action Network) and Jack Phillips attended.

Interested Party in attendance:- Ms Hilary Reed.

Ms Kathy Williams (Larrakia Nation) attended representing her mother who is a Larrakia Elder.

**RESOLVED
130/15**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lots (213) Dick Ward Drive, Town of Darwin and Lot 8630 (95) Dick Ward Drive, Town of Nightcliff for the purpose of subdivision to create 3 lots, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, a final, signed version of the hydrological report, consistent with that submitted with the application dated 18 March 2015 be provided, to the satisfaction of the consent authority.
2. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection point/s.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
5. The owner of land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Part V clearance for subdivision will not be granted until the relevant Certificate of Compliance has been issued for the development as shown on DP15/0078.
7. Appropriate protection shall be provided to contain spills of waste and protect contaminants from entering adjacent properties, roadways and the stormwater drainage system.
8. The proponent must ensure that only clean fill (virgin excavated natural material) or inert fill is accepted and that the inert fill has been adequately assessed as being suitable for its intended use or uses.
9. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent

authority.

10. Should any marine sediments be excavated and exposed an Acid Sulphate Soils Management Plan (ASSMP), including details of the volumes and depths of proposed excavations and potential length of time acid sulphate soil material may be exposed, is to be submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit.
11. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin, to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
3. You are advised to contact NBN Co prior to commencing construction to determine if your development is in an NBN-eligible area. This will help identify the relevant telecommunication network servicing requirements for the development. To register, please complete the pre-qualification forms located at www.nbnco.com.au/newdevelopments. For more information, please contact the NBN Co New Developments Team on 1800 687 626 or email newdevelopments@nbnco.com.au
4. The Department of Lands, Planning and the Environment advises that any works within the drainage easements will require approval from the Department, and the applicant must ensure compliance with the *Crown Lands Act* and the *Associations Act* in relation to any works on the land.
5. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from the Department of Land Resource Management.

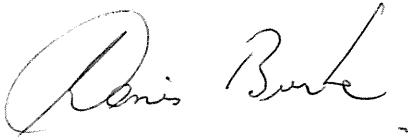
REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The application proposes a subdivision to create a new lot from existing Lots 5182 Town of Darwin and 8630 Town of Nightcliff which will follow the existing zone boundaries of Zone SD44. The created lot has an area of 2.5ha which is consistent with the minimum size of land expected for light industrial development and provides adequate room for a range of future development options as intended by the zone.
2. Clause 11.3.2 (Infrastructure in Industrial Subdivisions) ensures that industrial lots are integrated with the required infrastructure, including to ensure that industrial subdivision design incorporates a safe connection to the existing road network. The City of Darwin has requested consideration of the intended future access arrangements to the created lot and the potential impact of the subdivision on the broader road network. It is considered that the subdivision will in itself not generate vehicle movements outside of that required for construction, and that construction access to provide for the filling of the land as part of DP15/0078 has been resolved. Future access arrangements will be determined as part of any future applications for further subdivision or built form.
3. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into consideration any submissions made under section 49 in relation to the development application. A total of 15 submissions were received under section 49 of the Act in response to the original exhibition of the proposal, and a further 15 submissions following exhibition of the amended proposal. Key issues raised in submissions included confirmation of the registered owner, traffic issues, storm surge, the protection of Zone CN (Conservation), and the clearing of native vegetation. The submissions have been considered by the consent authority in making its determination.
4. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates and the effect of the development on the land and on other land. Subclause 2 of the Schedule to Zone SD44 requires that 'prior to subdivision and the commencement of works to address the issue of storm surge, a hydrological assessment approved by the Department of Land Resource Management must be provided to the satisfaction of the consent authority.' A hydrological assessment has been submitted by the applicant and has the written approval of the Department of Land Resource Management. As the capability of the subdivided land relies on the filling of land approved by DP15/0078, a condition is imposed requiring this development be completed prior to the issue of titles. The hydrological assessment included with the application demonstrates no adverse impact to the adjacent land in Zone CN (Conservation).

5. Section 51(r) of the *Planning Act* requires the consent authority to consider any potential impact on natural, social, cultural or heritage values, including the heritage significance of a heritage place or object under the *Heritage Act*. Section 51(e) also requires consideration of any submissions made under section 49 of the Act and submissions raised concerns in relation to the application to have the site registered under the Heritage Act. The Heritage Branch of the Department of Lands Planning and the Environment has advised there is no current statutory heritage protection for the site. A map produced by the Aboriginal Areas Protection Authority accompanied the application and identifies a recorded sacred site and restricted works area which are identified within the newly created lot. The developer is responsible for ensuring that any instructions from the Aboriginal Areas Protection Authority are complied with.

ACTION: Notice of Consent and Development Permit

RATIFIED AS A RECORD OF ATTENDANCE AND DETERMINATIONS MADE AT THE MEETING



DENIS BURKE
Chairman

28/5/15

